CITY OF MIAMI BEACH Office of the City Manager Letter to Commission No. 222-2004



Date: August 17, 2004

To:

Mayor David Dermer and

Members of the City Commission

From:

Jorge M. Gonzalez (

City Manager

Subject:

Miami-Dade County Election Department Information

The attached three (3) Miami-Dade County memorandums are transmitted to you for your information:

- 1. Memorandum from Constance A. Kaplan, Supervisor of Elections, to George M. Burgess, County Manager, dated August 14, 2004, RE: Feasibility Study for Optical-Scan Equipment.
- 2. Memorandum from George M. Burgess, County Manager, to Honorable Alex Penelas, Mayor, dated August 14, 2004, RE: Feasibility Study for Optical-Scan Equipment.
- 3. Memorandum from George M. Burgess, County Manager, to Honorable Alex Penelas, Honorable Chairperson Dr. Barbara Carey-Shuler, Ed.D, and the Board of County Commissioners, dated August 16, 2004, RE: Elections Department Logic and Accuracy Test.
- C: Murray Dubbin, City Attorney Jean Olin, Deputy City Attorney

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Memorandum GOUNTY Douthere J. Kaplan



Date:

August 14, 2004

To:

George M. Burgess

County Manager

From:

Constance A. Kaplan

Supervisor of Elections

Subject:

Feasibility Study for Optical-Scan Equipment

As you requested, attached is a feasibility study in response to the Mayor's memorandum of August 4, 2004, which requested a study of using paper ballots and optical-scan equipment during our fall elections. The report includes the research completed by the Department of Procurement Management (DPM).

Availability of Optical-Scan Equipment

The Department of Procurement Management (DPM) initiated market research to determine the availability of optical-scan voting systems for use in the November 2004 General Election. The parameters set forth for surveying the market involved the identification of 1,500 optical-scan units (units), 1,000 Americans with Disabilities Act (ADA) compliant touch screen machines and four highvolume Scanners. All systems considered in this analysis are certified for use in the State of Florida.

One of the deciding factors in determining whether a conversion to a new voting system would be feasible within a two month period was the availability and delivery of a new system by September 1, 2004. Additional supplies (bubble paper, ballot boxes, etc.), maintenance and support services were included in the survey. Since 7,500 lighted voting booths are needed in order to implement countywide use of the optical scan system, the market was also surveyed for availability and pricing of booths that accommodate the ballot size used by the Miami-Dade Elections Department. Please note that the prices provided in the attached procurement analysis (Attachment A) have not been negotiated. Additionally, some of the firms are not registered vendors with Miami-Dade County.

Three companies manufacture optical-scan units that are certified for use in the State of Florida: Sequoia Voting Systems (Sequoia), Elections Systems and Software (ES&S) and Diebold Election Systems (Diebold). DPM contacted each of these companies in order to assess their ability to provide the number of units required by the County. A representative from Sequoia advised that the company declined to participate in the survey, citing concerns regarding voter education, manufacturing and delivery schedules, as well as timing of implementation. An ES&S representative advised that 500 Units could be offered by the company at a cost of \$5,200 each; however, they could not offer a commitment to the September 1, 2004 delivery requirement or ensure that the equipment would be available by the November 2004 General Election. Diebold's representative prepared a comprehensive proposal which included the 1,500 Units, four high-volume scanners, supplies and 7,500 voting booths. Thirty Florida counties currently utilize the systems proposed by Diebold. The company's proposed cost for each unit is \$4,200.

Due to the proximity of the date of the November election, the Diebold representative expressed concerns regarding such issues as logistics, delivery, timing, implementation planning, risk-mitigation strategies, training, logic and accuracy testing, voter outreach, program development for the printed ballots and deployment. The company stressed the importance of developing a strategic

implementation plan immediately, should the County decide to procure the optical system. Without the County's commitment to such a plan and collaboration with the proposed vendor, Diebold would not consider participating.

The response from ES&S addressed only the availability of the optical-scan units. This vendor did not provide additional information regarding other items listed in the market survey.

The Elections Department identified a need for 7,500 self-standing, lighted, plastic voting booths for the market survey. DPM staff identified three companies, in addition to Diebold, which offer voting booths: Election Works, Election Data Direct and Hart Intercivic. Three models of the required quantity are available from Election Data Direct for delivery on September 1, 2004. The prices for these three models range from \$110 to \$159 each. The Diebold proposal includes a voting booth priced at \$167 that is available for a phased-in delivery schedule beginning September 1, 2004. Election Works indicated that had they received the order by the week of August 6th, they would have been able to begin manufacturing the third week in August in order to initiate delivery September 1, 2004, with a completion of delivery of all booths by September 20, 2004. Hart Intercivic offered to deliver 1,000 booths three weeks after receipt of an order, with the balance of the delivery to be completed within ten weeks after date of order.

One of the three vendors, Diebold, indicated that they are willing and able to offer Miami-Dade County an integrated optical-scanning system including a touch screen ADA-compliant component and associated services for support in the November General Election. It is important to note that the vendor is not able to adhere to the required delivery date of September 1, 2004, but is willing to coordinate a phased-in delivery schedule to meet the County's needs. Diebold is the only vendor that has indicated the ability to offer an integrated optical-scanning voting system given the compact timeframe.

Elections Logistics

The complex nature of our current voting equipment requires a high level of logistics planning that includes training of election staff and poll workers, voter outreach, deployment plan and extensive security procedures. Converting to a new voting system would require a new structure for all the components of our elections logistical plan.

For Countywide elections, we currently train more than 7,000 poll workers and more than 800 County staff, including 550 election specialists at polling places as well as trainers, roving troubleshooters and Election Day telephone bank personnel, representing nearly every department. For the August 31, 2004, Primary Election, we began training in early July, beginning with our "train the trainer" sessions, followed by our pollworkers and election specialists. These sessions were conducted daily at 11 different locations throughout the County. In the event that we convert to an optical-scan system prior to the November election, we would need overwhelming support from non-Election Department County staff and a "turnkey" operation from the vendor to be able to provide effective training.

We would also need to revise the polling place table of organization to add additional county staff support at precincts. Our current polling place table of organization includes a clerk, assistant clerk, several inspectors and a poll deputy. In addition, each precinct has an election specialist, a trained computer-proficient County employee who is trained in activating, deactivating and troubleshooting our current voting equipment. To convert voting equipment in a period of two months and ensure that the elections will be successful would require an additional County employee with managerial and troubleshooting skills at each of the precincts to provide quality assurance and an added level of comfort to ensure that the optical reader is operated correctly. This addition would double the need for County personnel in our polling places alone, from 550 to more than 1,100, in addition to our trainers.

troubleshooters and other personnel. In addition, the Elections Department would need to begin training staff and poll workers immediately. We would need for the vendor to supply us with procedures manuals for the new equipment in late August. The training of 7,000 pollworkers and more than 1,400 County personnel, including the 1,110 on-site polling place personnel along with trainers, troubleshooters and other personnel, would take place the first week of September, one month earlier than planned with the current voting equipment. In addition, we would need to expand our training program by increasing the number of sessions that pollworkers and County employees are required to attend. Currently, we benefit from our two years of experience with our current system and, thus, a minimal learning curve for pollworkers and County staff, most of whom have worked previous elections. The difficult September 2002 election was an example of what can happen when a system is entirely new for everyone involved in the process, and the County cannot afford to repeat a similar experience.

The new equipment would also require an expansion of our voter outreach/education program, just as many voters have now become comfortable with the process of voting on our current equipment. We have an extensive voter education program in place, in which we conduct more than 100 outreach programs, reaching more than 12,000 voters, each month. In July and August we conducted over 300 outreach event. If a new voting system is implemented, our current voter education program would require major adjustments. We would need to implement a more extensive outreach program to ensure that every voter has the opportunity to learn about and feel comfortable with the new system. This is especially true for a Presidential Election, in which the County historically experiences the highest voter turnout. For example, in November 2000, 72% of Miami-Dade Voters turned out for the Presidential Elections. Additionally, whereas our outreach efforts currently focus on a variety of important topics, including voter registration and restoration of felon rights, the urgent implementation of a new system would necessitate an almost single-minded emphasis on voting equipment.

We would have to increase our efforts and coordinate with all community groups and media venues to disseminate information to the voting public. We would require assistance from the vendor in creating voter education materials and an action plan. We estimate that a minimum of 4,000 outreach activities would need to be scheduled to attempt to reach the County's 980,000 registered voters. With extraordinary round the clock effort, we would be able to coordinate just under 450 outreach events during a two month period which certainly would not reach the number of events needed to reach Miami-Dade County voters.

Converting to a new election system would require that the Elections Department reduce the amount of resources needed to properly deploy and set up voting equipment. The current pre-Election/Elections Day procedures and operations would have to be amended in accordance with processes necessary to conduct elections utilizing optical scan voting equipment. In addition, we would need to conduct on-site surveys of more than 550 polling locations to ensure that each facility is adequate for conducting elections utilizing this new optical-scan voting equipment. Our security procedures would need to be revised amended and would need to be filed with the State Division of Elections.

Conclusion

It is my professional recommendation, based on 35 years of elections experience, that the County not pursue changing the current voting systems before the Presidential Election. If the County decides to convert to a new system, I recommend that the change be based on a more thorough analysis and, if a decision to procure a new system is made, that the County have ample time for implementation in order to assure a smooth transition. A 9-to-12 month timeframe would allow for a more manageable transition for the new voting system by rolling it out gradually during elections with lower voter turnout.

cc: Alina Tejeda Hudak

Diebold Election Systems Barry Herron, Director of Sales, 800-433-8683

ALL ITEMS WILL BE SHIPPED FREIGHT F.O.B, And a Performance	REQUIRED	PRICE	EXTENDED	RECOMMENDED	PRICE	EXTENDED
bond will also be included as part of the package.	QUANTITY	EACH	PRICE	QUANTITY	EACH	PRICE
AccuVote-OS Tabulators (Optical Scanners)	1,500	\$ 4,200.00	\$ 6,300,000.00	099	\$ 4,200.00	\$ 2,772,000.00
AccuVote-TS VIBS Units (Touch Screen)	1,000	\$ 3,295.00	\$ 3,295,000.00	850	\$ 3,295,00	\$ 2,800,750.00
AccuFeed - AF Units (High Volume Readers)	4	\$ 3,125.00	\$ 12,500.00	8	\$ 3,125.00	\$ 25,000.00
GEMS Application Software		\$ 956,000.00	\$ 956,000.00		\$ 956,000.00	\$ 956,000.00
Security Enhancement Software Application	1	\$ 10,000.00	\$ 10,000.00	-	\$ 10,000,00	\$ 10,000.00
Touch Screen Application Software	1,000	\$ 100.00	\$ 100,000.00	850	\$ 100.00	\$ 85,000.00
Optical Scan Application Software	1,500	\$ 100.00	\$ 150,000.00	099	\$ 100.00	\$ 66,000.00
Large Central Server Systems with Backup	2	\$ 12,481.13	\$ 24,962.26	2	\$ 12,481.13	\$ 24.962.26
Report Printers	4	\$ 1,496.25	\$ 5,985.00	4	\$ 1,496.25	\$ 5,985.00
Ethernet Hubs	4	\$ 150.00	\$ 600.00	4	\$ 150.00	\$ 600.00
Support		\$ 500,000,000	\$ 500,000,00	-	\$ 500,000,000	\$ 500,000,00
Training (Included with package purchase)	O			0		
Installation and Testing (included with package purchase)	0			0		S
Voter Awareness Program	0		5	10		5
Precinct Voter Card Encoder	1,000	\$ 395.00	\$ 395,000.00	850	\$ 395.00	\$ 335.750.00
Voter Cards	4,000	3.50	\$ 14,000.00	3,400	\$ 3.50	\$ 11,900,00
Supervisor Cards	2,000	\$ 4.00	\$ 8,000.00	1,700	\$ 4.00	\$ 6.800.00
Bailot Transfer Bags	1,500	\$ 35.00	\$ 52,500.00	099	35.00	\$ 23,100,00
	1,500	\$ 6.95	\$ 10,425.00	099	us	\$ 4.587.00
Secrecy Sleeves (10 per pkg) 18"	1,500	\$ 42.50	\$ 63,750.00	999	\$	\$ 28,050.00
Warehouse Carts	200	\$ 336.00	\$ 67,200.00	170	\$ 336.00	\$ 57,120.00
Spare OS Memory Cards	1,500	\$ 250.00	\$ 375,000.00	099	\$ 250.00	\$ 165,000.00
Spare PCMCIA Memory Cards	1,000	\$ 135.00	\$ 135,000.00	850	\$ 135.00	\$ 114,750.00
Spare OS Paper Rolls	1,500	1.00	\$ 1,500.00	099	1.00	\$ 660.00
Spare OS Ribbons	1,500	\$ 3.00	\$ 4,500.00	099	3.00	\$ 1,980.00
Ender Cards	3,000	\$ 15.00	\$ 45,000.00	1,320	\$ 15.00	\$ 19,800.00
Diagnostic Cards	300	\$ 15.00	\$ 4,500.00	200	\$ 15.00	3,000.00
Spare 1S Tape Rolls		***************************************	1,000.00	850	\$ 1.00	\$ 850.00
Famous Names Memory Card		\$ 255.00	\$ 7,650.00	æ	\$ 255.00	\$ 7.650.00
Tags for AccuVote-OS Units			-	099		\$
Wrist Band Key Rings		\$	1	099	•	
Key Cap - black	1,500	\$		099	-	
Warranty - OS	1	\$ 337,500.00	\$ 337,500.00		\$ 337,500.00	\$ 337,500.00
Warranty - TS	t)	\$ 86,000.00	\$ 86,000.00	-	\$ 86,000.00	\$ 86,000.00
Voting Booths with lights PoliMasterZ (New)	2,500	\$ 167.00	\$ 1,252,500.00	7,500	\$ 167.00	\$ 1,252,500.00
Total Estimated Price			\$ 14,216,072.26			\$ 9,703,294,26

Matthew Nelson, Senior V. P., 402-938-1417 Election Systems and Software, Inc. (ES&S)

Model #100 (Optical Scanner Units)	200	\$ 5,200.00	
Optional: Additional delivery if vendor is able to produce these? Vendor is not certain			
they will be able to deliver these on time for the November 2nd election.	1001	\$ 5,200.00	
Total Estimated Price		\$ 3,120,000.00	

Phil Foster, Vice-President Sales Administration & Strategy, 510-875-1249 Sequoia Voting Systems, Inc.

We must decline interest in this potential project at this time.

Assorted Vendors Supplying Voting Stands

MODEL	FIRM	CONTACT	QTY	PRICE	EXT. PRICE	DELIVERY / COMMENTS
MODEL 2000 wilight	Efection Works	Sandy Hed	7500	\$ 128.70	\$965,250.00	Waiting delivery information - writing surface depth is 19"
MODEL 2000 wilight	Election Data Direct	Randy Rattray	7500	\$ 159.00	\$1,192,500.00	9/1/2004 - del date dependent on receiving order by end of this week
ALL VOTE wright	Election Works	Sandy Hed	7500	\$ 108.75	\$815,625.00	Waiting delivery information - writing surface depth is 17 1/2"
ALL VOTE wilght	Election Data Direct	Randy Rattray	7500	\$ 115.00	\$862,500.00	9/1/2004 - del date dependent on receiving order by end of this week
POLL MASTER wilight	Hart Inter-Civic	Sue Wocik	7500	\$ 155.00	\$1,162,500.00	9 1/2 wks after receipt of order (ARO) - 1000 ea 3 weeks ARO then scheduled. Will ship predetermined quantities until order is complete - writing surface depth is 19"
POLL STAR wilght	Election Data Direct	Randy Rattray	7500	110.00	\$825,000.00	9/1/2004 - del date dependent on receiving order by end of this week - writing surface depth is 17 3/4*

Memorandum



Date:

August 14, 2004

To:

Honorable Alex Penelas

Mayor

From:

George M. Burgess

County Manager

Subject:

Feasibility Study for Optical-Scan Equipment

In response to your memorandum of August 4, 2004, I asked the Miami-Dade County Elections Department and the Department of Procurement Management (DPM) to evaluate the feasibility of procuring and implementing an optical-scan election system for use during the November 2, 2004, General Election. As requested, the departments analyzed all relevant issues, including the availability of optical-scan equipment, logistics, training of election staff and pollworkers and voter education. The report containing their analysis is attached.

Assistant County Manager Alina Tejeda Hudak has been an integral part of the Elections Department for almost a year, and she has kept me continually immersed in the Department's operational details. As the elections approach, my own personal involvement has escalated. Along with Mrs. Hudak, I attend the Department's weekly staff briefings to ascertain its progress in preparation for the upcoming elections. I must say that the more time I spend interacting with the Department's staff, the more impressed I am with their dedication and, by extension, the more confident I become that our upcoming elections will be a source of pride for our County.

At this point in time and given all of our preparations to date for the August and November elections, I would be extremely reluctant to convert to a new voting system within only a two-month time frame. If the County decides on implementing a new voting system, it would be advisable to properly plan a structured implementation with ample time, at a minimum of 9 to 12 months from acquisition planning through training and actual use. The analysis conducted by the Elections Department and DPM indicates that even though surveyed prospective vendors would stand to benefit from the sale of new voting equipment, all of them shared concerns regarding the logistical realities of implementing a completely new voting system with so little time remaining before the November General Election. These concerns appear to be consistent among all the firms contacted and must be seriously considered before pursuing the purchase of any new election system. Essentially, if the firms cannot guarantee a successful implementation and integration of new technology into the Elections Department so late in this election cycle, the County would bear the burden and risk of challenges, both the foreseeable ones described in the attached report as well as the inevitable unforeseen challenges associated with any major system/process change.

We need to be cognizant of our decision and the reality that should the County choose to replace our existing voting equipment with a new optical-scan voting system, an extremely expedited procurement process would be required. To make such a major policy decision a special Board of County Commission meeting would be necessary. The attached DPM research was based on the assumption that if the County determined that a new elections system was necessary, it would be procured in mid-August for a September 1st delivery date. While I am confident that the August 31st elections will be successful, I do appreciate the need to consider alternatives if warranted after the 31st. While highly unlikely, in the event that a decision were to be made to procure an alternate system, staff would immediately meet to negotiate and determine whether the firms can meet the delivery time frames in

the original market research. This recommendation would require DPM to resurvey the firms and would require an expedited procurement process.

Additionally, Supervisor of Elections Constance Kaplan has also expressed her concerns about converting to a new system and the effects it would have with such a short time frame before the November election. She is concerned, based on the County's well-documented previous experience with implementing a new voting system within a short period of time, that a rushed decision which is not based on ample research could result in mass confusion and, at worst, chaos.

I understand that your fundamental concern in requesting this evaluation is voter confidence, and the greatest boost to voter confidence will come from a successful August 31st election. Each kind of voting equipment has its own advantages, and optical-scan equipment does provide the paper trail desired by some voters. However, I believe that a rushed implementation of a new system would present more challenges than benefits. Not only as County Manager, but most importantly as a voter in Miami-Dade, I share the community's demand for free and fair elections. I am always open to suggestions and recommendations that work toward that goal. I embrace your desire to maintain an open mind toward changes that may benefit our County in the future, and I am not opposed to researching this option at a later date. At this time, I think it is of utmost importance that we allow the Elections Department to focus passionately and singularly on conducting successful August 31st and November 2nd elections.

CC: Murray A. Greenberg, First Assistant County Attorney Alina Tejeda Hudak, Assistant County Manager Constance A. Kaplan, Supervisor of Elections

Memorandum



Date:

August 16, 2004

To:

Honorable Mayor Alex Penelas

Honorable Chairperson Dr. Barbara Carey-Shuler, Ed.D

Board of County Commissioners

From:

George M. Burgess

County Manager

Subject:

Elections Department Logic and Accuracy Test

On August 13, 2004, the Miami-Dade County Elections Department, with crucial input and support from other County entities including the Audit and Management Services Department (AMS), Enterprise Technology Services Department (ETSD) and the Office of the Inspector General (OIG), conducted its most extensive Logic and Accuracy (L&A) Test ever. I agreed with our elected leaders that the test should go well beyond simply meeting our statutory obligations, and in fact, the test did approach Election Day conditions both in its scope and the length of the process. A canvassing board consisting of Vice-Chairperson Katy Sorenson and Supervisor of Elections Constance A. Kaplan presided over the process. I was present for the entirety of the test, having spent more than 16 hours at the Elections Department facility during the day. I would like to update you on both the overall success of the process, as well as several issues and areas in which I expect the process to improve.

AMS randomly selected 212 iVotronic units out of the County's inventory of 7,200 units. The units selected represented all of the 222 unique ballot styles to be used in the August 31, 2004, Primary Election, as well as all Early Voting sites. All three of the County's official languages -- English, Spanish and Creole -- were tested, as were Americans with Disabilities Act (ADA)-compliant audio units for our visually-impaired voters.

The test began shortly after 7 a.m. with a "scripted" voting session, in which the 212 units were opened for voting, zero tapes were printed (indicating the absence of any votes cast prior to the beginning of voting) and the machines' public counts (much like an automobile's trip odometer) were verified to indicate zero votes, as well. The scripts were developed to ensure that every ballot position (every candidate and every answer to ballot questions) received at least one vote, and in most cases multiple votes, on every ballot style. Elections Department staff serving as "voters" signed in and received their scripts, in the form of paper optical-scan absentee ballots. They were then paired with scribes, whose task was to ensure that voters properly followed their scripts. After voting an entire ballot, a voter stepped aside and allowed the scribe to observe the review screen and verify the choices the voter had made. Auditors from AMS observed the entire process. Once all were in agreement that the proper selections had been made, the ballot was cast. A total of 4,016 ballots were cast during scripted voting, counting both the electronic votes and the paper ballots, which were also tabulated. Scripted voting lasted until approximately 3 p.m. The iVotronic units were then closed in the same manner as they would be closed on Election Day, and Elections Department personnel printed results tapes to reflect the votes recorded by the machines themselves before tabulation. This would allow the canvassing board to determine if any discrepancies were the result of voter error (i.e., not properly following the script with errors not detected by scribes) as opposed to indicative of true equipment issues.

Page Two

Subsequently, a period of "unscripted" voting allowed members of the public and media to make their own selections on both optical-scan ballots and iVotronic units. Sixteen units were randomly selected for this process. Observing the unscripted voting were scribes, AMS auditors and a bank of 16 mounted video cameras so that any discrepancies could be reviewed to determine if, in fact, votes were simply not properly recorded on paper, which would not be indicative of an equipment issue. Six voters participated in the unscripted voting session. I hope that in the future, as the public becomes more aware of the opportunity to test our equipment, participation in unscripted voting increases. I have asked Mrs. Kaplan to increase publicity and awareness of this opportunity.

After all units were closed, the Personal Electronic Ballots (PEBs) containing precinct results were taken to a designated Collection Center located in the Elections Department warehouse, in a process mimicking that which occurs after polling places. There, the results were uploaded from the PEBs onto a laptop computer, and the data was subsequently transmitted via phone line to the Department's Tabulation Room.

I am pleased to report that the test was an overall success, with results indicating that our electronic voting equipment did, in fact, properly tabulate votes. The expected outcomes (based on the known scripts) and actual outcomes from tabulation matched each other.

Still, the process did leave room for improvement. I observed several issues and have asked Mrs. Kaplan to implement my recommended resolutions, as well as any others she may identify.

Specifically while the scope of the test, as well as its openness and involvement of the public, was indisputably a net positive, the process could have been better organized. Several "bottlenecks" occurred during the day, resulting in, by my estimation, possibly hours of unnecessary delays. I understand that this first extensive L&A test was a learning experience for our County, and many last-minute decisions about the procedure, based on late but important input from stakeholders, caused adjustments and delays. I have expressed to Mrs. Kaplan that I expect more comprehensive written procedures in the future. Many tasks could have been performed more efficiently. For example, in the tabulation room, I observed that personnel spent nearly an hour sorting absentee ballots before the tabulation could begin, even though this task could have been performed by a separate team of workers earlier in the process. The expected challenges of this first-of-a-kind test would be less acceptable in the future, and Mrs. Kaplan has told me that she understands that.

Recent media accounts of our test indicate that the media and public were generally impressed by our County's efforts to go well beyond what was merely required of us, and the test reaffirmed my conviction that these kinds of efforts are necessary to generate increased voter confidence. I will continue to keep you informed of our progress related to this and other election issues.

Please contact me if you have any questions or require any further information.

c: Alina T. Hudak, Assistant County Manager Constance Kaplan, Supervisor of Elections